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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/767,669	01/29/2004	Heinrich Lang	LMX-129 CON	5424				
7590 McNair Law Firm, P.A. P.O. Box 10827 Greenville, SC 29603-0827		07/11/2007	<table border="1"><tr><td>EXAMINER</td></tr><tr><td>SHAFFER, RICKY D</td></tr></table>		EXAMINER	SHAFFER, RICKY D		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,669

Applicant(s)

LANG ET AL

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 26-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26, line 9, the use of language "said configured area" is vague, indefinite and/or confusing. It unclear to the examiner whether the above mentioned language is referring to the configured area of the framing or of the bracket.

In claim 26, lines 12-14, the use of the language "said framing...strips of the bracket" is vague, indefinite and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is intended and/or being referred by the language "said framing and said bracket securing said framing and bracket against said holding element". For example, it unclear whether the plurality of connectors are performing the securing or some unrecited structure of the framing and/or bracket is performing the securing. In addition, the use of the language "securing said positioning... said bracket" is vague, indefinite and/or confusing. For example, it unclear whether the plurality of connectors are performing the securing or some unrecited structure of the framing and bracket is performing this function. Thus, the metes and bounds of the claim is vague and indefinite.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al ('703).

To the extent the claims are definite, Lang et al discloses a rearview mirror assembly for attachment to a vehicle comprising a holding element (46) carried by said vehicle; a mirror element having a mirror pane (7) attached to a carrier plate (3, 3', 3''); a positioning apparatus (36, 47) supporting said carrier plate; a framing (43, 43') having a configured area (the recess area thereof, shown in figures 4 and 6) engaged with said holding element; a bracket (44') including an upper strip (the portion of the bracket which screw 45' engages), a lower strip (the portion of the bracket which another screw 45' engages) and a configured area (the recess area between the upper and lower strips thereof), see Fig. 6, wherein said configured area of the bracket adjacent the upper and lower strips engages said holding element, a plurality of connectors (screws, not labeled which connects element 48 to element 47, see column 4, lines 16-20 along with figures 5-8) engaged with said positioning apparatus, said framing and said bracket securing said framing and said bracket against said holding element and securing said positioning apparatus with said upper and lower strips of said bracket, via screws 45', and a housing cover (50) including a hook and hook connectors (see figures 6 and 8) for securing said housing cover and framing (43', 48) so as to cover said bracket (44'). Note figures 3-8 along with the associated description thereof.

5. Claims 26 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang ('577).

To the extent the claims are definite, Lang et al discloses a rearview mirror assembly for attachment to a vehicle comprising a holding element (54) carried by said vehicle; a mirror element having a mirror pane (52) attached to a carrier plate (63); a positioning apparatus (51, 51') supporting said carrier plate; a framing (55) having a configured area (the recess area thereof, shown in Fig. 8) engaged with said holding element; a bracket (56) including an upper strip (the portion of the bracket which screw 57 engages), a lower strip (the portion of the bracket which another screw 57 engages) and a configured area (the recess area between the upper and lower strips thereof), see figures 6-8, wherein said configured area of the bracket adjacent the upper and lower strips engages said holding element, a plurality of connectors (58 and/or 71) engaged with said positioning apparatus, said framing and said bracket securing said framing and said bracket against said holding element and securing said positioning apparatus with said upper and lower strips of said bracket, via screws 57, and a housing cover (73) including a hook and hook connectors (see Fig. 8) for securing said housing cover and framing (55,68,69) so as to cover said bracket (56). Note figures 6-9 along with the associated description thereof.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al ('703) or Lang et al ('577) in view of Schulz ('005).

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Lang et al ('703) and Lang et al ('577) each discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the holding arm consists of two arms.

Schultz teaches is well known to use a plurality of arms in the same field of endeavor for the purpose of attaching a mirror assembly to a vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the holding arm of Lang et al ('703) or Lang et al ('577) to include a plurality of individual arms as taught by Schultz in order to selectively replace damage/defective arm component(s) so as to reduce manufacturing costs or after market costs to an individual.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al ('703) or Lang et al ('577) in view of Bos et al ('996) and Perry ('814).

Lang et al ('703) and Lang et al ('577) each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that the framing and cover are made of a particular plastic material.

Bos et al teaches it well known to use an ABS plastic material in the same field of endeavor for the purpose obtaining a housing cover.

Perry teaches it well known to use a fiberglass reinforced plastic material in the same field of endeavor for obtaining a framing (bracket).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the housing cover of Lang et al ('703) or Lang et al ('577) to an ABS plastic material as taught by Bos et al in order to provide a durable, light weight mirror

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cover and similarly modify the framing of Lang et al ('703) or Lang et al ('577) to include a fiberglass reinforced plastic material as taught by Perry in order to provide a durable, light weight framing element with dampening characteristics.

9. Claims 26-35 are objected to because of the following informalities:

In claim 26, line 9, the language --of the bracket-- should be inserted after "said configured area".

Appropriate correction is required.

10. Claims 29, 33 and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 24 and 25 are allowed.

12. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the framing element having a hook element and the clamping bracket having a snap connection must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

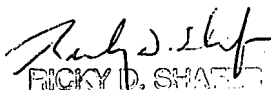
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

July 07, 2007


RICKY D. SHAFFER
PATENT EXAMINER
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